

REMARKS

Claims 1-21 and 24-29 are currently pending.

On page 10 of the response filed May 11, 2009, Applicants indicated that they intended to file a new Rule 132 declaration. Submitted herewith is this new Rule 132 declaration. In this declaration, compositions which were virtually identical except for the amount of polyethyleneimine (PEI) and solid mineral particles (calcium carbonate) present were compared.

Invention Composition A contained PEI and solid mineral particles in a ratio of 0.04, while Comparative Composition B contained PEI and solid mineral particles in a ratio of 0.16. (Rule 132 dec., par. 3). Both of these compositions were tested on virgin hair locks. (Rule 132 dec., pars. 4 and 5). Those conducting the test noted a marked improvement of the smoothness of hair treated with the invention composition A. (Rule 132 dec., par. 6). Surprisingly, however, comparative composition B which contained PEI/solid mineral particles in a ratio of 0.16 contained worse smoothness properties than invention composition A --- this demonstrated that the combination of PEI and solid mineral particles does not always or necessarily result in improved smoothness properties. (Rule 132 dec., par. 5).

The invention composition imparted hair with vastly different smoothness properties compared to the comparative compositions, and this vast difference in cosmetic properties was surprising and unexpected given the similarity of the compositions. (Rule 132 dec., par. 8). The improved smoothness properties obtained with the invention composition are representative of the present invention. (Rule 132 dec., par. 7). Moreover, the improved smoothness properties associated with the

invention compositions are commercially significant --- shampoos or conditioners which increase the smoothness properties of hair to which they have been applied are more commercially viable than shampoo or conditioner compositions which do not provide hair with increased smoothness upon application. (Rule 132 dec., par. 9).

The claimed invention requires the polyalkyleneimine/mineral particle weight ratio to be 0.05-0.001. Neither Hofrichter nor Gutierrez teach or suggest this required ratio. The Office Action has recognized this fact.

The significance of the required polyalkyleneimine/mineral particle weight ratio is amply demonstrated by the Rule 132 declarations in this case. The declarations demonstrate that compositions containing the required polyalkyleneimine/mineral particle weight ratio possess improved smoothness properties. The declarations also demonstrate that compositions containing polyalkyleneimine/mineral particle in a ratio falling outside the claimed ratio do not posses such improved smoothness properties.

For all of the above reasons as well as all of the reason set forth in Applicants' May 11, 2009, response, Applicants respectfully request reconsideration and withdrawal of the pending § 103 rejections.

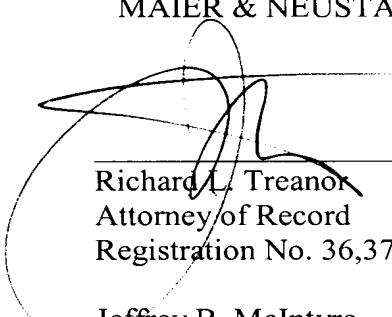
Application No. 10/718,531
Supplemental Response to Office Action dated December 10, 2008

Applicants believe that the present application is in condition for allowance.

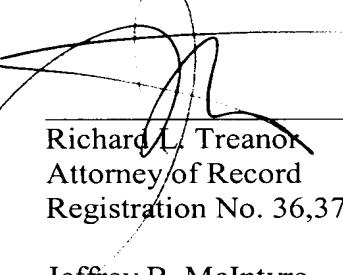
Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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